

REMARKS

Claims 1 - 8 are pending the application; Claims 1 - 8 stand rejected. By this Amendment Claims 1-7 have been amended. These amendments add no new matter to the application.

The drawings are now amended as required, by substituting the attached replacement sheets for their corresponding drawing figures. Please note that Figures 1a and 1b, formerly appearing on the same page, now occupy separate pages. Figures 15b and 16b are now displayed as Figures 15b-c and 16b-c, respectively, with Figures 15c-d renamed as Figures 15d-e, respectively.

The specification is amended as required by replacing the originally filed specification pages 1-18, with the attached substitute specification pages 1-19. This substitute specification differs only in moving the Brief Description of the Drawings to immediately precede the Disclosure of the Invention, and in adding a cross reference to the provisional applications upon which it is based, with changes to the Brief Description of the Drawings to conform it to the drawing figure number changes made.

The section 112 objection to Claim 8 is believed to be obviated by the amendment to Claim 7 establishing an antecedent basis for "employee". Other amendments made are addressed to the other section 112 concerns expressed by the Examiner.

Claims 1-8 stand rejected under 35 USC 101 as allegedly directed to non-statutory subject matter; Applicant respectfully traverses these rejections. Section 101 requires only that a claim recite a "process, machine, manufacture or composition of matter" to "obtain a patent therefore." Claims 1-8 as filed are so-called "system" claims, directed to machines and/or manufactures that acquire, arrange, store and manage data in novel ways, and as such assuredly fall within the categories of statutory subject matter above. There is no statutory requirement to recite any specific "technology" *per se*. The quoted language from the unpublished BPAI case *Ex parte*

Bowman is at odds with the plain language of section 101; moreover, the case is not available to Applicant to review because it is unpublished. Applicant therefore requests that the Examiner withdraw this rejection, based as it is on an unpublished case that is not available to Applicant. The Federal Circuit predecessor court, the CCPA ruled in 1980 that claims that were stated in the form of a "process, machine, manufacture or composition of matter" were claims that passed the requirements of section 101. *In re Zahn*, 617 F.2d 261 (CCPA 1980).

Nonetheless, and without waiving any rights which applicant may have, and in order to more speedily arrive at an early definition of allowable subject matter, Applicant here provides further amendments to independent claims 1 and 6 that are alternate recitations of the technology which is the subject matter of this application. All claims are now believed to recite explicit technology; reconsideration and favorable action are therefore requested.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Patrick Dwyer at (206) 550-4049.

Respectfully submitted,



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